HOUSE BILL No. 1191

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DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-103.5; IC 34-37-1-9; IC 35-36.

Synopsis: Personal information. Prohibits an attorney from revealing an individual's personal information contained in certain documents. Requires an attorney to redact an individual's personal information if a document containing personal information is disclosed to certain individuals.

Effective: July 1, 2008.

Avery, Lawson L

January 10, 2008, read first time and referred to Committee on Public Policy.

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1191

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 34-6-2-103.5 IS ADDED TO THE INDIANA
2   CODE   AS   A **NEW**   SECTION   TO   READ   AS   FOLLOWS
3   [EFFECTIVE JULY 1, 2008]: **Sec. 103.5. "Personal information",**
4   **for purposes of IC 34-37-1-9, means an individual's:**
5   **(1) Social Security number;**
6   **(2) driver's license number;**
7   **(3) date of birth;**
8   **(4) address; or**
9   **(5) place of employment.**
10   SECTION 2. IC 34-37-1-9 IS ADDED TO THE INDIANA CODE
11   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12   1, 2008]: **Sec. 9. (a) Except by order of a court, an attorney shall**
13   **not reveal any personal information contained in a document,**
14   **evidence, or pleadings to any other individual except an associate**
15   **or employee of the attorney.**
16   **(b) Before an attorney discloses a document, evidence, or a**
17   **pleading that contains personal information to an individual who**

1 **is not an associate or employee of the attorney, the attorney shall**
2 **redact all personal information in the document.**
3   SECTION 3. IC 35-36-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this
5 article:
6   **(1)** "Insanity" refers to the defense set out in IC 35-41-3-6.
7   **(2)** "Mentally ill" means having a psychiatric disorder which
8   substantially disturbs a person's thinking, feeling, or behavior and
9   impairs the person's ability to function. "Mentally ill" also
10   includes having any mental retardation.
11   **(3)** "Omnibus date" refers to the omnibus date established under
12   IC 35-36-8-1.
13   **(4) "Personal information" means an individual's:**
14   **(A) Social Security number;**
15   **(B) driver's license number;**
16   **(C) date of birth;**
17   **(D) address; or**
18   **(E) place of employment.**
19   SECTION 4. IC 35-36-10 IS ADDED TO THE INDIANA CODE
20 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2008]:
22   **Chapter 10. Personal Information**
23   **Sec. 1. (a) Except by order of a court, neither a prosecuting**
24 **attorney nor a defense attorney shall reveal any personal**
25 **information contained in a law enforcement case file, document, or**
26 **evidence to any individual except an associate or employee of the**
27 **prosecuting attorney or defense attorney.**
28   **(b) Before a prosecuting attorney or defense attorney discloses**
29 **a law enforcement case file, document, or other evidence that**
30 **contains personal information to an individual who is not an**
31 **associate or employee of the prosecuting attorney or defense**
32 **attorney, the prosecuting attorney or defense attorney shall redact**
33 **all personal information in the document.**